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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/759,566 | 01/11/2001 | Allan Stuart Algazi | 1071 | 9680 |
| 23720 | 7590 | 10/29/2004 | EXAMINER | |
| WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042 | | | WEBB, JAMISUE A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3629 | |

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,566

Applicant(s)

ALGAZI, ALLAN STUART

Examiner

Jamisue A. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 4-9, 16-21 and 24-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10-15, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 10, 11, 13, 14 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Recktenwald et al. (6,439,345) in view of Smithies et al. (5,647,017).
3. With respect to Claims 1, 10, 11, 13 and 22: Recktenwald discloses the use of an item pick-up system which includes a notifying paging system (116) which notifies a user electronically that the item is ready for pick-up (column 5, lines 19-31 and Claim 13), a scanner that scans a barcode on a printed receipt to decode and display item being picked up as well as the customer order information (Figure 5), once the order is selected it is transmitted to the stock room where an attendant fulfills the order and provides it to the customer (see abstract). Recktenwald however fails to disclose the customer is verified using previously and currently biometric information. Smithies discloses the use of a method and system for the verification of biometric information such as handwritten signatures, in the use of obtaining packages (See abstract, column 1, lines 53-59, column 5, lines 28-41, and column 6, lines 27-38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the verification system using signatures, as disclosed by Smithies, to identify a customer in the item pick-up system of Recktenwald, in order to provide secure evidence as to the real identity of a user, and to assist in the detection and prevention of forgery and fraud (see Smithies,

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columns 1 and 5). The examiner considers the stored signature data to be a part of the customer information which is encoded into the barcode of Recktenwald.

4. With respect to Claims 2 and 14: Recktenwald discloses the system presenting a description as well as a visual picture of the item to be picked up before it is provided to the customer (See Figure 12).

5. Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Recktenwald and Smithies as applied to claims 1 and 13 above, and further in view of Stephens et al. (6,323,782).

6. Recktenwald discloses the use of notifying electronically when an item is ready for pick-up using a paging system or using RF transmission, but fails to disclose electronically notifying the user via cell phone. Stephens discloses the use of a delivery system where a receiver or customer is notified via RF transmission or via a cell phone, when an item is delivered to the location and ready for pick-up (column 9, lines 39-46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the notification of an item being ready for pick-up as disclosed by Stephens, in the system of Recktenwald and Smithies, in order to provide the customer information that is remotely passed without the use or dependency on lines or cables, and therefore allowing the information to be sent to remote locations. (See Stephens columns 9-11).

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7. Claims 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Recktenwald and Smithies as applied to claims 1 and 13 above, and further in view of Keagy et al. (6,069,969).

8. Recktenwald and Smithies, as disclosed above discloses the use of a barcode, but does not specifically disclose the use of the barcode using PDF 417 technology. Keagy discloses the use of a barcode that is encrypted with biometric information for use in verification purposes, and utilizes PDF 417 barcodes (column 10, lines 57-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the barcode of Recktenwald be the 2-D barcode using PDF 417 symbols, as disclosed by Keagy, in order to provide an template that can encode a users biometric information and to allow for a secure encryption of the data. (see Keagy, column 10).

Response to Arguments

9. The amendment and responses have overcome the previously made 112nd paragraph rejections.

10. With respect to Applicant's arguments that Recktenwald does not disclose the use of a two-dimensional barcode: As disclosed above in the rejection, Recktenwald discloses the use of a barcode on a piece of paper. The examiner considers something that is printed on paper to be two-dimensional; therefore the barcode that is printed on the receipt is a two-dimensional barcode.

11. With respect to Applicant's arguments that Retckenwald teaches away from the modifications due to the fact that he states that an "other non-employee person acting for the

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customer, such as a relative or friend” can pick up the item: The modification that was done was to have a step that verifies that a person is really the person why they say they are. Recktenwald permits someone other than the customer to pick-up the item. However, Recktenwald never discloses that you cannot verify who the person is. Recktenwald says another person is allowed to pick up the item, it does not say that you never need to even verify that person. Furthermore, the abstract states that the invention includes entering a customer ID. For these reasons the examiner does not believe that Recktenwald teach away from verifying a person, and therefore the rejections stand as stated above.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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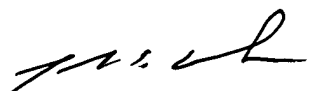
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579.

The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jamisue Webb


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